

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 7056-X08-020

Dorit PLAT et al. : Confirmation No. : 3410

Application No.: 10/572,782 : Inter. App. No.: PCT/IL04/000895

Filed: November 8, 2006

Title: *STABILIZED FORMULATIONS OF PHOSPHATIDYL SERINE*

PETITION UNDER 37 CFR §1.103(a) FOR SUSPENSION OF ACTION

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for Suspension of Action in the above-identified application.

Status of Prosecution:

On March 30, 2009, the Examiner issued a non-final Office Action.

On June 30, 2009, Applicants filed a Response to the outstanding Office Action.

Applicable Rule:

The basis for the petition is 37 CFR §1.103. Rule 1.103(a) states *inter alia*, the following:

On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office Action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in §1.17(g), unless such cause is the fault of the Office.

Analysis:

To be grantable, the petition must satisfy four factors: correct status of prosecution (no outstanding reply to an Office Action), a showing of good and sufficient cause for suspension of action, indication of a specific time period for suspension, and the fee set forth in §1.17(g).

The Office has not acted on the Response filed June 30, 2009.

Applicants are currently in the process of completing test work and preparing a Declaration under 37 CFR §1.132 which Applicants believe will overcome definitively the previous rejection of the claims over prior art. Accordingly, Applicants respectfully request suspension of action such that the test work can be completed and the Declaration can be finalized and filed prior to any further action by the Office.

Applicants respectfully request a two month period of suspension.

The fee specified under §1.17(g) in the amount of \$200 is submitted herewith.

Conclusion:

Considering that Applicants have satisfied the required four factors, Suspension of Action should be granted in the above-identified application.

No additional fee is believed to be due. However, please charge any other required fee (or credit any overpayment of fees) to the Deposit Account of the undersigned, Account No. 500601 (Customer Number: 27317; Docket No. 7056-X08-020).

Respectfully submitted,

/Katharine F. Davis Wong/

Date: October 14, 2009

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